



2007 NOV -7 PH 5:46

DEPT 3 REF

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ami ARONHEIM, et al

Serial No.: 09/777,856

Filed: February 7, 2001

For: NUCLEIC ACID CONSTRUCT
SYSTEM AND METHOD
UTILIZING SAME USEFUL
FOR IDENTIFYING PROTEIN-
PROTEIN INTERACTIONS

Group Art Unit: 1633

Attorney
Docket: 01/21605

Examiner: Maria Marvich

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on July 20, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as

\$ 125 for 5 additional claims over 20, and \$ 100 for 1 additional independent claims over 3, even though the above claims had been previously paid for and no new claims were introduced with the filing of the RCE. These charges were debited on July 24, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached July 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 2201 and 2202) were not required and paid by mistake.

A refund of \$ 225 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

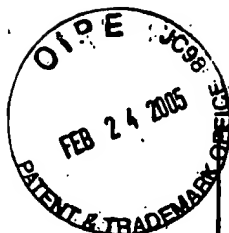
Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: October 31, 2007



PTO/88930 (08-00)

Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/777,856
	Filing Date	February 7, 2001
	Examiner Name	Maria Marvich
	First Named Inventor	ARONHEIM et al
	Group Art Unit	1636
	Attorney Docket Number	01/21605

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50082 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
 (Any unentered amendment(s) referred to above will be entered).

- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Three Month Extension fee

v. ☐ Other

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §

1.103(c) for

a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
			RATE	FEE	RATE	FEE
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	x \$ 360	\$
Total Claims	23 - 20 =	3	3 x \$ 25	\$ 75	x \$ 50	\$
Independent Claims*	4 - 3 =	1	1 x \$ 100	\$ 100	x \$ 200	\$
			TOTAL	\$570	TOTAL	\$

☒ The Commissioner is hereby authorized to charge \$570.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Sol Sheinbein	Registration No. (Attorney/Agent)	25,457
Signature	<i>Sol Sheinbein</i>	Date	February 24, 2005

02/28/2005 AMONDAF1 00000060 501407 09777856

01 FC:2801 395.00 DA
 02 FC:2202 75.00 DA
 03 FC:2201 100.00 DA

Adjustment date: 12/03/2007 NGBREM2
 07724/2006 HAL111 00000033 501407 09777856
 02 FC:2202 125.00 CR
 03 FC:2201 100.00 CR



Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/777,856
Filing Date	February 7, 2001
Examiner Name	Maria MARVICH
First Named Inventor	Ami ARONHEIM
Group Art Unit	1633
Attorney Docket Number	01/21605

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☒ Previously submitted
 - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on June 12, 2006
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - b. ☒ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ **Other Three (3) Month Extension fee**
 - v. ☐ Other _____
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for
a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

For:	Column 1 No. Filed	Column 2 No. Extra	SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	x \$ 360	\$
Total Claims	25 - 20=	5	5 x \$ 25	\$ 125	x \$ 50	\$
Independent Claims*	4 - 3=	3	1 x \$ 100	\$ 100	x \$ 200	\$
			TOTAL	\$620	TOTAL	\$

☒ The Commissioner is hereby authorized to charge \$620. - filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature		Date	July 20, 2006



United States
Patent and
Trademark Office

**Deposit Account Statement**

Requested Statement Month: July 2008
 Deposit Account Number: 501407
 Name: G E EHRLICH (1995) LTD.
 Attention: A J CASTORINA
 Address: 2001 JEFFERSON DAVIS HIGHWAY
 City: ARLINGTON
 State: VA
 Zip: 22202
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/03	391	11476787	31693	2011	\$150.00	\$84,692.55
07/03	392	11476787	31693	2111	\$250.00	\$84,442.55
07/03	393	11476787	31693	2311	\$100.00	\$84,342.55
07/03	394	11476787	31693	2201	\$200.00	\$84,142.55
07/03	395	11476787	31693	2202	\$1,100.00	\$83,042.55
07/03	2	09761149	01/21745	2201	\$800.00	\$82,442.55
07/03	434	10583759	32102	2631	\$150.00	\$82,292.55
07/03	435	10583759	32102	2632	\$250.00	\$82,042.55
07/03	436	10583759	32102	2633	\$100.00	\$81,942.55
07/03	438	10583759	32102	2614	\$800.00	\$81,042.55
07/03	437	10583759	32102	2615	\$1,525.00	\$89,517.55
07/03	439	10583759	32102	8021	\$40.00	\$89,477.55
07/03	147	60794501	31142(31964)	8007	\$20.00	\$89,457.55
07/05	304	10240411	24938	1504	\$300.00	\$89,157.55
07/05	305	10240411	24938	2501	\$700.00	\$88,457.55
07/05	306	10239990	25131	1504	\$300.00	\$88,157.55
07/05	307	10239990	25131	2501	\$700.00	\$87,457.55
07/05	308	10862397	31087	1504	\$300.00	\$87,157.55
07/05	309	10862397	31087	2501	\$700.00	\$86,457.55
07/05	95	60776419	31582	8021	\$40.00	\$86,417.55
07/05	96	60794882	31581	8021	\$40.00	\$86,377.55
07/05	97	10564165	31250	8021	\$40.00	\$86,337.55
07/05	98	60808108	32074	8021	\$40.00	\$86,297.55
07/05	99	60815581	32265	8021	\$40.00	\$86,257.55
07/05	100	60814900	32234	8021	\$40.00	\$86,217.55
07/05	101	60814572	32230	8021	\$40.00	\$86,177.55
07/05	102	60815583	32079	8021	\$40.00	\$86,137.55
07/05	103	60812988	31541	8021	\$40.00	\$86,097.55
07/05	104	60816318	32268	8021	\$40.00	\$86,057.55
07/05	128	60698970	30299	8021	\$40.00	\$86,017.55
07/05	129	10564760	31397	8021	\$40.00	\$85,977.55
07/05	1	60817380	32264	2005	\$100.00	\$85,877.55

07/19	347	60831185	28722	2005	\$100.00	\$47,962.55
07/19	236	10551717	30695	2817	\$65.00	\$47,897.55
07/19	124	09577187	Q62741	2253	\$510.00	\$47,387.55
07/19	174	09577187	Q62741	2201	\$100.00	\$47,287.55
07/19	173	09577187	Q62741	2202	\$125.00	\$47,162.55
07/20	70	11411772	31685	2051	\$65.00	\$47,097.55
07/20	117	60831676	31946	2005	\$100.00	\$46,997.55
07/20	119	60831675	31864	2005	\$100.00	\$46,897.55
07/20	196	11487431	32190	8021	\$40.00	\$46,857.55
07/21	3	10233409	24946	2202	\$25.00	\$46,832.55
07/21	66	10755289	02/23984	2501	\$700.00	\$46,132.55
07/21	67	10755289	02/23984	1504	\$300.00	\$45,832.55
07/21	171	10660478	26374	2814	\$65.00	\$45,767.55
07/21	260	10531300	29282	2253	\$510.00	\$45,257.55
07/21	268	60831937	32447	2005	\$100.00	\$45,157.55
07/21	269	60831937	32447	2085	\$125.00	\$45,032.55
07/21	270	60831938	32428	2005	\$100.00	\$44,932.55
07/21	204	60705442	29666(32448)	8007	\$20.00	\$44,912.55
07/21	232	60721961	30737	8007	\$20.00	\$44,892.55
07/21	233	11364169	30455(32448)	8007	\$20.00	\$44,872.55
07/24	45	09777856	01/21605	2801	\$395.00	\$44,477.55
07/24	47	09777856	01/21605	2201	\$100.00	\$44,377.55
07/24	46	09777856	01/21605	2202	\$125.00	\$44,252.55
07/24	48	09777856	01/21605	2253	\$510.00	\$43,742.55
07/24	49	09978297	01/22716	2801	\$395.00	\$43,347.55
07/24	51	09978297	01/22716	2201	\$900.00	\$42,447.55
07/24	50	09978297	01/22716	2202	\$1,200.00	\$41,247.55
07/24	52	09978297	01/22716	2251	\$60.00	\$41,187.55
07/24	271	10239992	25130	2501	\$700.00	\$40,487.55
07/24	272	10239992	25130	1504	\$300.00	\$40,187.55
07/24	103	60700318	30331(32329)	8007	\$20.00	\$40,167.55
07/24	104	60700317	30332(32329)	8007	\$20.00	\$40,147.55
07/24	105	60800845	29955(32328)	8007	\$20.00	\$40,127.55
07/24	106	60800846	30429(32328)	8007	\$20.00	\$40,107.55
07/24	107	60763458	31146(32328)	8007	\$20.00	\$40,087.55
07/24	108	60750334	31147(32328)	8007	\$20.00	\$40,067.55
07/24	109	60741440	31076(32328)	8007	\$20.00	\$40,047.55
07/24	110	60720652	30739(32328)	8007	\$20.00	\$40,027.55
07/24	111	60720541	29689(32328)	8007	\$20.00	\$40,007.55
07/24	112	60720034	30735(32328)	8007	\$20.00	\$39,987.55
07/24	113	60800845	29955(32329)	8007	\$20.00	\$39,967.55
07/24	114	60800846	30429(32329)	8007	\$20.00	\$39,947.55
07/24	115	60763458	31146(32329)	8007	\$20.00	\$39,927.55
07/24	116	60750334	31147(32329)	8007	\$20.00	\$39,907.55
07/24	117	60741440	31076(32329)	8007	\$20.00	\$39,887.55
07/24	118	60720652	30739(32329)	8007	\$20.00	\$39,867.55
07/24	119	60720541	29689(32329)	8007	\$20.00	\$39,847.55
07/24	120	60720034	30735(32329)	8007	\$20.00	\$39,827.55
07/24	121	60702979	30423(32329)	8007	\$20.00	\$39,807.55
07/24	122	60700752	29952(32329)	8007	\$20.00	\$39,787.55
07/24	123	60700753	30333(32329)	8007	\$20.00	\$39,767.55
07/24	124	60700299	30295(32329)	8007	\$20.00	\$39,747.55